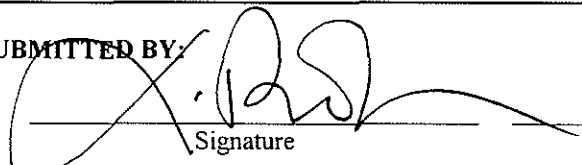



LABOR COMPLIANCE PROGRAM ANNUAL REPORT

Report for the reporting period 05/01/2010 to 06/30/2010

1. Name of Labor Compliance Program (LCP): The Labor Compliance Managers		RECEIVED OCT 28 2010 Department of Industrial Relations Office of the Director (S.F.)
2. LCP I.D. Number: 2005.00465	3. Date of Initial Approval: May 25, 2005	
4. Contact person (include name, title, address, telephone, fax, and e-mail, if available): Lindley Robertson, MPA The Labor Compliance Managers 4911 3rd Street, San Francisco, CA 94124 or 515 Blueberry Terrace, San Jose, CA 95129 Phone (408) 516-7238, (415) 800-8960, or Email: <u>rlindaly@yahoo.com</u>		
5. Awarding Bodies covered by this report: Live Oak School District, Alisal Union School District, Palo Alto Unified School District, Berkeley Unified School District, Windsor Unified School District, County of Santa Clara (Hospital Bond Project) and Monterey Bay Aquarium (Prop 84 Project). <i>Awarding Bodies with whom the LCP has a contract to provide compliance enforcement, including new contracts not covered by this report:</i> Live Oak School District, Alisal Union School District, Palo Alto Unified School District, Berkeley Unified School District, Windsor Unified School District, County of Santa Clara (Hospital Bond Project), and Monterey Bay Aquarium (Prop 84 Project).		
6. Suggestions for the DIR to better assist LCPs in the coming year: Continue to provide training focused on best oversight and enforcement practices.		
SUBMITTED BY:  Signature  Name and Title <u>10/28/10</u> Date		

LCP-AR3

6. LC § 1771.5 enforcement activities (provide all information requested, attaching as many sheets as necessary, and *please complete separate forms for each Awarding Body covered in this report*).

Awarding Body: Alisal Union School District

A. List projects handled by LCP within the past 2 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Alisal Multi-Purpose Room	10-01-2009	F&H Construction	\$2.3 Million
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
Alisal Multi-Purpose Room	Boeger Plastering	\$240.12	\$240.12	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Underpayment of O.T. for a Saturday (LC 1813 \$50 penalty).
Total					

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
Alisal Multi-Purpose Room	\$240.12	\$240.12	Boeger Construction complied immediately. \$190.12 paid in restitution and \$50 paid to Alisal Union School District. Total assessed was under \$1000.00.
Total	\$240.12	\$240.12	

LCP-AR3

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

LCP-AR3

6. LC § 1771.5 enforcement activities (provide all information requested, attaching as many sheets as necessary, and *please complete separate forms for each Awarding Body covered in this report*).

Awarding Body: **Berkeley Unified School District**

A. List projects handled by LCP within the past 2 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Berkeley HS Stadium Project	3/5/2010 & 3/12/2010	JLC Builders	\$6,996,000.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
NONE				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Total					

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
NONE			
Total			

LCP-AR3

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

6. LC § 1771.5 enforcement activities (provide all information requested, attaching as many sheets as necessary, and *please complete separate forms for each Awarding Body covered in this report*).

Awarding Body: Live Oak School District

A. List projects handled by LCP within the past 2 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Fire Alarm Upgrades	10/08/09	J M Electric	\$300,000.00
Permethium Project	01/01/10	Logical Choice	\$838,000.00
Live Oak Door Repl. & Hardware Upgrade	05/20/10	Opening Technologies Inc.	\$181,912.00
Live Oak Field Improvement	03/23/10	Terra Coast Construction	\$210,000.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
Permethium Project	Logical Choice	\$10,299.26	\$10,299.26	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Inside Wiremen misclassified as Communication Technicians.
Total		\$10,299.26	\$10,299.26		

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
Permethium Project	\$10,299.26	\$10,299.26	Logical Choice complied immediately upon notification that workers were misclassified. Underpayment not willful. Penalties not assessed. Contractor remained in compliance thereafter.
Total			

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

6. LC § 1771.5 enforcement activities (provide all information requested, attaching as many sheets as necessary, and *please complete separate forms for each Awarding Body covered in this report*).

Awarding Body: Palo Alto Unified School District

A. List projects handled by LCP within the past 2 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Gunn Interim Housing Project	1/29/2010	Rodan Builders, Inc.	\$1,100,000.00
Ohlone Interim Housing Project	1/29/2010	Coultier Construction	\$159,000.00
Paly Interim Housing Project	1/29/2010	Rodan Builders, Inc.	\$900,000.00
Paly Multi-Use Field Project	2/12/2010 & 2/26/2010	Valley Crest Engineering	\$3,312,683.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
NONE				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Total					

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
NONE			
Total			

LCP-AR3

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

6. LC § 1771.5 enforcement activities.

Awarding Body: **Windsor Unified School District**

A. List projects handled by LCP within the past 2 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Cali Calmecac Academy Campus Improvement	4/25/10 & 5/2/10	FRC Inc.	\$1,884,000.00
CTE Digital Communication Bldg Rebid Project	6/20/10 & 6/27/10	Arntz Builders	\$3,697,157.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
NONE				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Total					

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
NONE			
Total			

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

6. LC § 1771.5 enforcement activities.

Awarding Body: County of Santa Clara

A. List projects handled by LCP within the past 2 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Demolition of the San Jose Medical Center	12/4/09	Cleveland Wrecking Company	\$2,615,000.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
NONE				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Total					

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
NONE			
Total			

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

LCP-AR3

6. LC § 1771.5 enforcement activities (provide all information requested, attaching as many sheets as necessary, and *please complete separate forms for each Awarding Body covered in this report*).

Awarding Body: Monterey Bay Aquarium

A. List projects handled by LCP within the past 2 months.

Project Name	Negotiated Contract Date	Prime Contractor	Contract Amount
MBA - Outer Bay Wing Remodel, Phase 2	7-30-10	Rudolph & Sletten	\$2,275,552.00
Total			

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Total					

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
Total			

LCP-AR3

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
NONE										
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NONE				

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

7.

Conflict of Interest Certification Statement, per 2 CCR § 18701

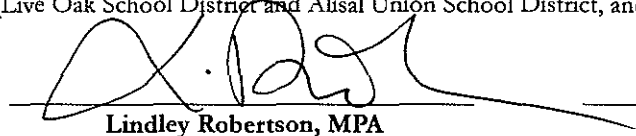
I hereby certify that neither myself as Principal of The Labor Compliance Managers, nor any personnel, management, independent consultants, or other parties associated with our 3rd Party LCP has any affiliation with any (1) construction contractor or subcontractor within the preceding five years that has been awarded a public works contract within the geographical area in which our program operates or intends to operate, or with any public agency with which the program has contracted or intends to contract to provide labor compliance enforcement; (2) any person or entity who has been the surety of such a contract; (3) any joint labor-management committee established pursuant to the Federal Labor Management Cooperation Act of 1978 (section 175a of Title 29 of the United States Code); or (4) any person or entity who has represented workers employed in the same or similar classifications as those employed for such a contract and who has been engaged in (i) an organizational campaign under the National Labor Relations Act with contractors, professional organizations, or other parties competing for such contracts or (ii) a jurisdictional dispute with another collective bargaining representative of workers utilized for such contracts, that can be construed as a conflict of interest.

The above statement is hereby certified as true and accurate, under penalty and perjury and is in compliance with (updated) requirements noted in the Title 8, California Code of Regulations §16430 which also describes how the filing of Statements of Economic Interest (FPPC Form 700) by Designated Employees and Consultants of Labor Compliance Program should be completed as described below:

- (a) An Awarding Body that operates either its own labor compliance program or that contracts with a third party to operate all or part of its labor compliance program shall determine and designate those employees and consultants of the program who participate in making governmental decisions for the Awarding Body within the meaning of Title 2, California Code of Regulations, sections 18700 – 18702.4. Those designated employees and consultants shall be required to file Statements of Economic Interest (FPPC Form 700) and to comply with other applicable requirements of the Political Reform Act (commencing with Section 87100 of the Government Code) in connection with work performed on behalf of the Awarding Body.
- (b) Designated employees and consultants who operate or are employed by a third party labor compliance program shall file their Statements of Economic Interest (FPPC Form 700) with the filing officer of each Awarding Body with which the third party program contracts, unless the Department of Industrial Relations or the Fair Political Practices Commission specifies a different or alternative filing location.

Authority cited: Section 1773.5, Labor Code. Reference: Sections 87100, et seq., Government Code; Section 1771.5, Labor Code.

Certificates of Compliance per 2 CCR Section 18701 were filed by consultants affiliated with The Labor Compliance Managers, including Lindley Robertson (all awarding agencies), Charlie Atilano (Live Oak School District and Alisal Union School District, and Peter Robertson (Berkeley Unified School District).


Lindley Robertson, MPA

10/28/10
Date

7. On a separate sheet, provide a certificate of compliance with conflict of interest disclosure requirements by employees and consultants who participate in making governmental decisions (as defined under 2 CCR § 18701) along with the names of LCP personnel who are filing disclosure statements and the agencies with which those statements are being filed.

8. Please update the following information per 8 CCR § 16426(a)(2), (3) and (5) disclosure requirement.

A. Identify the geographical areas in which the program intends to operate and the identity of any public agencies not previously identified in this report with which the program intends to contract to provide labor compliance enforcement.

San Francisco Bay areas, including Santa Clara, Santa Cruz, Monterey, Alameda and Sonoma Counties.

B. State whether the entity shares personnel, management, ownership or other close affiliation with any of the following: (1) any contractor or subcontractor that within the preceding five years has been awarded a public works contract within the geographical area in which the program operates or intends to operate or with any public agency with which the program has contracted or intends to contract to provide labor compliance enforcement; (2) any person or entity who has been the surety on such a contract; (3) any joint labor-management committee established pursuant to the Federal Labor Management Cooperation Act of 1978 (section 175a of Title 29 of the United States Code); or (4) any person or entity who has represented workers employed in the same or similar classifications as those employed for such a contract and who has been engaged in (i) an organizational campaign under the National Labor Relations Act with contractors competing for such contracts or (ii) a jurisdictional dispute with another collective bargaining representative of workers utilized for such contracts.

For each affiliation, please provide the name, address, telephone number, and principal contact person for the person or entity; please identify shared personnel, management, and ownership; and if applicable, please provide a short description of the nature and extent of any other close affiliation:

Contractor or Subcontractor: **NONE**

Person or entity as surety on a contract: **NONE**

Joint Labor-Management Committee or Trust: **NONE**

Union representative or NLRA campaign: **NONE**

C. Identify the attorney or law firm available to provide legal support for the LCP, and whether the persons or firms providing that support also represent any contractor, subcontractor, surety, or worker representative referred to in the preceding item.

Victoria Li, Esq. 1254 Rhode Island Street, #16, San Francisco, CA 94107 – Ms. Li does not represent any contractor, surety or worker referred to in Item C. above. She has over nine (9) years experience in Public Works contract compliance, including labor compliance procedures.